

Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

Pursuant to the Examiner's requirement, the title of the invention has been changed so as to be clearly indicative of the invention to which the claims are directed.

The specification and abstract have been reviewed and revised to make a number of editorial revisions. No new matter has been added.

Replacement Figures 9-12 labeled as "Prior Art" are enclosed herewith. In addition, a replacement Figure 21B labeled as "Prior Art" is also enclosed herewith. No new matter has been added. As a result, withdrawal of the objection to the drawings is respectfully requested.

Claims 3, 7 and 8 have been objected to as containing a number of minor informalities. Claims 1-7 and 11-13 have been cancelled without prejudice or disclaimer to the subject matter contained therein. Therefore, the objection with regard to claims 3 and 7 is moot. Further, claim 8 has been amended so as to address this objection. As a result, withdrawal of the objection to the claims is respectfully requested.

Claim 6 had been indicated as containing allowable subject matter. The Applicants would like to thank the Examiner for this indication of allowable subject matter.

In light of the cancellation of claims 1-7 and 11-13, the only rejections that remain applicable are the rejection of claim 8 under 35 U.S.C. §103(a) as being unpatentable over Nagasaka (US 6,224,959) in view of Yokogawa (US 5,608,715) and the rejection of claims 9 and 10 under 35 U.S.C. §103(a) as being unpatentable over Mine (US 5,966,358) in view of Yokogawa.

Claims 8 and 9 have been amended so as to further distinguish the present invention from the references relied upon in the rejections. Further, new claim 14 has been added.

In addition, claims 8-10 have been amended to make a number of editorial revisions. These revisions have been made to place the claims in better U.S. form. None of these amendments have been made to narrow the scope of protection of the claims, nor to address issues related to patentability and therefore, these amendments should not be

construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

It is submitted that claim 8-10 and 14 are patentable over the references relied upon in the rejections for the following reasons.

Claim 8 is patentable over the combination of Nagasaka and Yokogawa, since claim 8 recites an optical disc having, in part, a first data recording layer comprising data areas and address areas for identifying a location in the data areas, wherein the address areas are disposed not in a straight line from an inner side to an outer side of the optical disc, but are offset a substantially constant disc center angle q (angle to the disc center) at each increment of a constant distance radially to the optical disc. The combination of Nagasaka and Yokogawa fails to disclose or suggest a first data recording layer having address areas as recited in claim 8.

Nagasaka discloses an optical disc having a plurality of concentric areas that are called bands 501. Each band 501 has tracks formed spirally therein and each of the tracks contains a plurality of sectors. Each of the sectors has a header area 500 and a data recording area. (See column 3, lines 15-64 and Figures 1 and 5). In the rejection, the header areas 500 are indicated as corresponding to the claimed address areas. However, this is not the case.

In claim 8, the address areas are recited as not being disposed in a straight line from an inner side to an outer side of the optical disc, but are offset a substantially constant disc center angle q at each increment of a constant distance radially to the optical disc. However, as can be clearly seen in Figure 5 of Nagasaka, each of the header areas 500 on the optical disc is aligned in a straight line with six other header areas 500 from an inner side to an outer side of the optical disc. Therefore, Nagasaka fails to disclose or suggest this feature of claim 8. As a result, in order for the combination of Nagasaka and Yokogawa to disclose the invention as recited in claim 8, Yokogawa must disclose or suggest this feature.

Regarding Yokogawa, it is noted that this reference is relied upon in the combination as disclosing that an optical disc can have a number of recording layers to increase the recording density of the optical disc. Yokogawa also fails to disclose or

suggest the above-mentioned feature of claim 8. As a result, claim 8 is patentable over the combination of Nagasaka and Yokogawa.

In addition, it is submitted that the above-discussed feature of claim 8 is not disclosed or suggest by any of the other references relied upon in the rejections rendered moot by the cancellation of claims 1-7 and 11-13.

As for new claim 14, it is patentable over the combination of Nagasaka and Yokogawa, since claim 14 recites an optical disc having, in part, a first data recording area comprising data areas and address areas for identifying a location in the data areas, wherein the address areas are disposed offset a substantially constant disc center angle q at each increment of a constant distance radially to the optical disc such that address areas contained in a light spot on a recording layer not being reproduced are aligned so as not to be straight in a disc-radial direction. The combination of Nagasaka and Yokogawa fails to disclose or suggest a first data recording layer having address areas as recited in claim 14.

As discussed above, Nagasaka discloses that each of the header areas 500 on the optical disc is aligned in a straight line with six other header areas 500 from an inner side to an outer side of the optical disc. Therefore, Nagasaka necessarily fails to disclose or suggest the claimed address areas that are disposed offset a substantially constant disc center angle q at each increment of a constant distance radially to the optical disc such that address areas contained in a light spot on a recording layer not being reproduced are aligned so as not to be straight in a disc-radial direction. Further, it is apparent that Yokogawa fails to disclose or suggest this feature. As a result, claim 14 is patentable over the combination of Nagasaka and Yokogawa.

In addition, it is submitted that the above-discussed feature of claim 14 is not disclosed or suggest by any of the other references relied upon in the rejections rendered moot by the cancellation of claims 1-7 and 11-13.

Claim 9 is patentable over the combination of Mine and Yokogawa, since claim 9 recites an optical data recording method including, in part, recording dummy data to an area determined to be unrecordable after recording data originally designated to be recorded to the area determined to be unrecordable is recorded to a spare area. The combination of Mine and Yokogawa fails to disclose or suggest this feature of claim 9.

Mine discloses a moving picture recording apparatus 1 that includes a recording section 10, a control section 20, and an address control section 30. The address control section 30 comprises a defective sector detection circuit 31 and an address control circuit 32. When the defective sector detection circuit 31 detects an address defect on an optical disc during the recording of moving picture data, the defective sector detection circuit 31 will continue to record the moving picture data as dummy data on the defective sector having the address defect without counting the read address. Then, when the next good address is detected, the address returns to the logical block address of the moving picture data recorded as dummy data on the defective sector so as to restart recording. (See column 4, line 43 – column 6, line 59).

Based on the above discussion, it is apparent that the defective sector detection circuit 31 of Mine continues to record the moving picture data to a sector determined to be defective as dummy data. However, claim 9 recites that the dummy data is written to the area determined to be unrecordable after the data originally designated to be written to the area determined to be unrecordable is recorded to a spare area. In other words, claim 9 recites that the data originally designated for the unrecordable area is recorded somewhere else prior to the dummy data being recorded. This is clearly not the case in Mine. Therefore, Mine fails to disclose or suggest this feature of claim 9. As a result, in order for the combination of Mine and Yokogawa to disclose the invention as recited in claim 9, Yokogawa must disclose or suggest this feature.

Regarding Yokogawa, it is noted that this reference is relied upon in the combination as disclosing that an optical disc can have a number of recording layers to increase the recording density of the optical disc. Yokogawa also fails to disclose or suggest the above-mentioned feature of claim 9. As a result, claim 9 is patentable over the combination of Mine and Yokogawa.

In addition, it is submitted that the above-discussed feature of claim 9 is not disclosed or suggest by any of the other references relied upon in the rejections rendered moot by the cancellation of claims 1-7 and 11-13.


Because of the above-mentioned distinctions, it is believed clear that claims 8-10 and 14 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the

time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 8-10 and 14. Therefore, it is submitted that claims 8-10 and 14 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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